

SPECIAL COUNCIL MEETING

SEPTEMBER 19, 2012

The Special Meeting of the Council of the County of Kaua'i, was called to order by the Council Chair at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, September 19, 2012 at 10:37 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable KipuKai Kualii
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro, Council Chair

APPROVAL OF AGENDA.

Ms. Yukimura moved for approval of the agenda as circulated, seconded by Mr. Chang, and unanimously carried.

EXECUTIVE SESSION:

ES-571 Pursuant to Haw. Rev. Stat. §§92-4 and 92-5(a)(4) and (8), and Kauai County Charter section 3.07(E), the purpose of this executive session is to provide the Council with a briefing on Wayne R. Daniel v. Kodani and Associates, Inc., et al., Civil No. 08-1-0006 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

There being no objections, the rules were suspended.

ALFRED CASTILLO, JR., County Attorney: Thank you. Good morning, Chair Furfaro; Councilmembers. Al Castillo, County Attorney. The next matter for your consideration is ES-571.

Chair Furfaro: Before I go any further, gentlemen, this is posted so that we go into Executive Session and then we come back out on dealing with the Communication piece. Is there anything you want to testify on before we take a motion to go into Executive Session, or you could wait here for when we come back on open floor? What is your choice going to be? You want to give testimony now?

KEN TAYLOR: Chair and Members of the Council, my name is Ken Taylor. I just have a question, if you could better explain what this is about. The way it is worded, there are two individuals or companies listed but it does not talk about anything having to do with the County. I was just curious if you could better explain what this is about.

Chair Furfaro: I would say at this point and before going into Executive Session, this is a legal issue that has come before this Council in the past involving other parties. We had secured what I want to say is a special counsel, as well as a special consultants. This is what this briefing is on.

Mr. Taylor: Thank you.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Yes.

Mr. Rapozo: Ken, the case in point is Civil No. 08-1-0006. That is a public document. We will have our staff make a copy for you so you can read the lawsuit. That is public.

Mr. Taylor: Thank you.

Chair Furfaro: Do you want us to make that copy?

Mr. Taylor: I would appreciate it, thank you.

Chair Furfaro: We will have someone from our staff do that for you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo moved to convene in Executive Session at 10:44 a.m., as recommended by the County Attorney, seconded by Mr. Chang, and unanimously carried.

Chair Furfaro: Very good. If you gentlemen will step outside, our staff will get that copy for you. Thank you, have a good day. We are going to go into Executive Session and we will come back out after our briefing.

There being no objection, the meeting recessed at 10:44 a.m.

The meeting reconvened at 11:26 a.m., and proceeded as follows:

Chair Furfaro: Aloha. We are back from our Executive Session briefing. The last item we have here is to vote on the Communication.

COMMUNICATIONS:

C 2012-371 Request from the Office of the County Attorney for authorization to expend up to \$54,680 for special counsel's services provided in Wayne R. Daniel v. Kodani and Associates, Inc., et al., Civil No. 08-1-0006 (Fifth Circuit Court), and related matters.

Mr. Rapozo moved to approve C 2012-371, seconded by Ms. Yukimura.

Chair Furfaro: I have a motion to approve and a second. Is there any further dialogue? Mr. Rapozo.

Mr. Rapozo: Mr. Chair, I want to ask the staff to send over a request that we have a full billing statement of this case with a breakdown of subcontracts, if there are any.

Chair Furfaro: Is there any further discussion? Madame Clerk, can you be sure that note is made. If not, let us have a roll call vote on this.

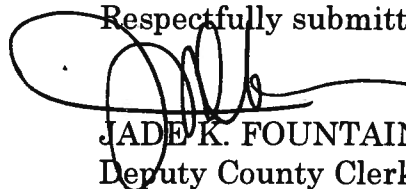
The motion to approve C 2012-371 was then put, and carried by the following vote:

FOR APPROVAL: Bynum, Chang, Kualii, Nakamura,	TOTAL-7
Rapozo, Yukimura, Furfaro	
AGAINST APPROVAL: None	TOTAL-0
EXCUSED & NOT VOTING: None	TOTAL-0

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

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